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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 ALEATRICE THOMAS,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL SECURITY,

15 Defendant.  
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Case No. 1:20-cv-01723-AWI-SAB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
PLAINTIFF'S SOCIAL SECURITY  
APPEAL AS UNTIMELY

(ECF Nos. 1, 8)

17 Aleatrice Thomas ("Plaintiff"), proceeding pro se and *in forma pauperis*, filed this action  
18 seeking judicial review of the denial of disability benefits pursuant to the Social Security Act.  
19 The matter was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local  
20 Rule 302.

21 On January 13, 2021, an order issued requiring Plaintiff to show cause within fourteen  
22 days why this action should not be dismissed as untimely filed. (ECF No. 6.) Plaintiff did not  
23 file a response to the January 13, 2021 order. On February 4, 2021, findings and  
24 recommendations were filed recommending dismissing Plaintiff's Social Security appeal as  
25 untimely. (ECF No. 8.) The findings and recommendations provided that any objection to the  
26 findings and recommendations was to be filed within thirty days. (*Id.*) More than thirty days  
27 have passed and Plaintiff has not filed objections or otherwise responded to the findings and  
28 recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
2 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the  
3 findings and recommendations to be supported by the record and by proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations, filed February 4, 2021, is ADOPTED IN  
6 FULL;
- 7 2. Plaintiff's Social Security appeal is DISMISSED as untimely filed; and
- 8 3. The Clerk of the Court is DIRECTED to CLOSE this action.

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10 IT IS SO ORDERED.

11 Dated: May 18, 2021

  
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12 SENIOR DISTRICT JUDGE  
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